

**Testimony of
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**At the Joint Hearing of the
House International Relations Committee**

**Africa, Global Human Rights and International Operations
Subcommittee
and the
Asia and the Pacific Subcommittee**

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Chairman Smith, Chairman Leach, and Members of the Subcommittees: It is an honor to be here today and I want to begin by thanking you for holding this hearing and for giving me the opportunity to discuss the U.S. – Vietnam Human Rights Dialogue and our recent work to promote religious freedom in Vietnam.

It has been my great pleasure to work with this Committee over the past several years, and I am very grateful for the Committee's commitment to religious freedom, for the support you give to our efforts, and to the advocacy that each of you do in your own right.

CPC Designation and Negotiations

Religious freedom in Vietnam has been a high priority for me since I started at the State Department. I have spent more time in Vietnam working for religious freedom than in any other country. The first trip I made as Ambassador at Large was to Vietnam, and I have visited Hanoi four times to engage Vietnamese officials on religious freedom abuses.

Beginning in 2002, I held a series of intense discussions with Vietnamese officials both here and in Vietnam. We engaged in sustained and vigorous diplomacy, and carefully described to Vietnamese officials the religious freedom violations that placed them at the threshold of designation as "Country of Particular Concern," or CPC. The International Religious Freedom Act provides that countries should be designated CPCs when their government has engaged in or tolerated particularly severe violations of religious freedom. We try to work hard, as we did with Vietnam, to negotiate improvements with countries that are on the verge of such a designation, but if the time comes that we must designate them a CPC, we make every effort to use it in a way that offers the greatest potential to bring about positive change. We provided the Government of Vietnam with specific steps they could take to improve religious freedom and avoid designation. Ultimately, however, the Government of Vietnam failed to respond to our diplomatic overtures, and in 2004, the Secretary designated Vietnam a CPC.

The sorts of problems which led us to this designation included: pressures on tens of thousands of people to renounce their faith; continued restrictions on religious denominations and clergy and

credible accounts of harassment of religious believers. In addition, beginning in 2001 there were aggressive efforts on the part of Vietnamese officials to crack down on religious practice in the Central Highlands that resulted in the closure of hundreds of churches. We were also aware of dozens of persons in prison or under detention for religious reasons.

Following Vietnam's designation, we intensified diplomatic engagement in an effort to work with the Government of Vietnam to secure an agreement on key religious freedom issues. This began a vigorous period of negotiations that resulted on May 5, 2005, with a formal exchange of letters with the Government of Vietnam that addresses these and other important religious freedom concerns. This agreement was the first of its kind ever attempted, negotiated or signed under the International Religious Freedom Act, which states that reaching such an agreement is to be the primary objective when a country has been designated as a CPC.

Under the terms of the exchange of letters, the Government of Vietnam has agreed to address a number of the serious issues we had raised with them and that led to their being placed on the CPC list. These included the need to re-open house churches and meeting places that had been previously closed, work with us on the release of the remaining religious prisoners and hold officials accountable for violating the legal framework on religion. The government of Vietnam also agreed to ensure that local officials fully implement the new legal framework on religion with the understanding that while this new framework holds promise for religious freedom, it means nothing if there is no local implementation. Since the conclusion of the agreement, we have continued our diplomatic efforts to press the Government of Vietnam to fully honor its commitments.

Positive developments

We are encouraged by a number of significant improvements in religious freedom in Vietnam over the past year. Religious leaders in general report that they are allowed more freedom to participate in religious activities, that there is greater acceptance of various types of religious activities, including worship in house churches, and that they

experience fewer difficulties from Vietnamese authorities. They also confirm Vietnamese statements that national officials have convoked meetings of provincial officials to explain the new, more open regulations and the need to implement them fully.

Perhaps the most significant improvement is the promulgation of a new legal framework. Two of the most significant documents, “Decree 22”, which represents the Implementation Regulations of the New “Ordinance on Belief and Religion,” and “The Prime Minister’s Instruction on Protestantism,” were brought forward shortly before we negotiated the exchange of letters. This new legal framework reflects many of the issues we had been working on with the Vietnamese over the previous three and a half years and represents significant improvement over previous policy. These include: banning forced renunciations, granting churches protections from harassment by allowing them to register, and defining conditions that would clarify land use rights for registered and recognized churches. The legal framework also provides the possibility that previously unrecognized churches and denominations may be recognized in the future. While the new legal framework is far from perfect, the Government of Vietnam deserves real credit for significant improvements on the status of religious freedom which this new legal framework makes possible if, in fact, it is properly implemented.

At the national and provincial level, there is increasing awareness of the international importance of religious freedom and its link to social and economic progress. The well-established Catholic Church is expanding its outreach and charitable work and gaining the trust of the Vietnamese officials. In November 2005, 57 new Catholic priests were publicly ordained in a Hanoi service attended by thousands. In rural provinces in the Central Highlands, we hear positive reports of impending recognition of new Protestant churches, registration of religious meeting points (or “house churches”), and training programs for new pastors.

We have also worked very closely with the Vietnamese on the release of religious prisoners and have met with notable success. One such case is that of Father Ly, a Catholic priest who was serving 13

years for “harming national unity” and two years for violating the terms of a previous administrative probation order because of his outspokenness on religious freedom. We appealed to the Vietnamese on Father Ly’s behalf, first receiving a reduced sentence of 10 years, which was later reduced to five years, until finally in 2005 he was released as part of a Presidential amnesty in February 2005. Another important case was that of Baptist Pastor Than Van Truong. Pastor Truong had been detained without charge and committed to a mental asylum in July 2004. In September 2005 he too was amnestied. While a handful of religious prisoners and persons subject to restrictions remain, we must acknowledge that we have come a long way in working with the Vietnamese government towards addressing the religious prisoner issue.

Human Rights Dialogue

Now, turning to my most recent trip, last month, I was pleased to participate with Assistant Secretary Lowenkron in the bilateral US-Vietnam Human Rights Dialogue in Hanoi. In addition to the formal Human Rights Dialogue, I held a series of additional talks with the Government on Vietnam specifically on religious freedom issues and on Vietnam’s CPC status. During the Human Rights Dialogue, and at the subsequent CPC status talks, we clearly reiterated the message that removal from the CPC list will be possible when Vietnam has fulfilled its commitments under the May 5 exchange of letters, including consistent and nationwide implementation of its new legal framework.

While we are encouraged by the progress we have seen in Vietnam, we remain concerned about certain continuing problems. While the government is allowing greater freedom for some religious groups to have a greater role in choosing their own leadership, some restrictions on the hierarchies and clergy of religious groups remain in place. We are also troubled by continued reports that local officials have repressed some unregistered Protestant believers by forcing church gatherings to cease and closing house churches. In other cases, some groups that have applied for registration are facing delays without adequate explanation.

In Gia Lai province, in December 2005, over two hundred “meeting points” were officially registered under the new legal

framework, effectively legalizing operations for all of the Southern Evangelical Church of Vietnam's 75,000 believers in the province. We are very encouraged by this development because it reflects a good faith effort in this part of the country to allow a very meaningful degree of religious freedom. However, Vietnam's legal framework is not yet consistently enforced throughout the country and, as a result, the scope of religious freedom has expanded in some communities faster than in others.

Specifically, in the remote Northwest Highlands, where there has been growth of the Protestant community to over 130,000 believers, we have seen little improvement. Some church leaders remain mistrustful of authorities and reluctant to step forward to assert their new rights. We are also concerned about reports that some local officials in this region have pressured ethnic minority Protestants to renounce their religious beliefs. Furthermore, registration and recognition of churches in the Central Highlands province of Dak Lak have proceeded very slowly and could leave these congregations vulnerable to future abuses. For example, though we are pleased to note that 2005 Christmas celebrations in the Central Highlands were allowed to proceed with relatively little interference, in Dak Lak the government failed to register meeting houses, and only "facilitated" the celebrations. An equally important cause for concern is the government's unwillingness to recognize the Unified Buddhist Church of Vietnam, a Mennonite group, and some divisions of the Hoa Hao Buddhist sect.

Vietnam Pledges Progress

At the Human Rights Dialogue, in our subsequent meetings and on a regular basis in both Hanoi and Washington, our message to the Government of Vietnam is that we are closely monitoring developments, and seeking additional information on problem areas. Vietnamese officials, in turn, say that they are committed to continuing to improve religious freedom. In our recent meetings in Hanoi, they acknowledged that, although progress has been made in the Central Highlands, officials in the Northwest Highlands have been slow to implement the new religious framework and register churches. In both the Human Rights Dialogue and my private meetings with Vietnamese officials, we were

assured that the government will be turning its attention to our remaining areas of concern. Vietnamese officials have also promised to provide precise information about church registrations, recognitions, and other forms of assistance - such as the building of churches, facilitation of seminaries and land grants. And, indeed, since my recent trip to Hanoi, the Vietnamese government has provided the first of what we hope will be continuing cooperative reports on the state of religious freedom in Vietnam.

Mr. Chairman and Members of the Committee, I offer my sincere thanks to each of you for your commitment to working for full freedom of religion in Vietnam and please know of my commitment to continue to work with you toward that important goal. I would be pleased to take any questions you may have.